

2023 -- S 1011 SUBSTITUTE A

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES

Introduced By: Senators DiMario, DiPalma, Miller, Valverde, Lawson, Lauria, and
Ujifusa

Date Introduced: May 15, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-72-5 of the General Laws in Chapter 42-72 entitled "Department
2 of Children, Youth and Families" is hereby amended to read as follows:

3 **42-72-5. Powers and scope of activities.**

4 (a) The department is the principal agency of the state to mobilize the human, physical, and
5 financial resources available to plan, develop, and evaluate a comprehensive and integrated
6 statewide program of services designed to ensure the opportunity for children to reach their full
7 potential. The services include prevention, early intervention, outreach, placement, care and
8 treatment, and after-care programs; provided, however, that the department notifies the state police
9 and cooperates with local police departments when it receives and/or investigates a complaint of
10 sexual assault on a minor and concludes that probable cause exists to support the allegations(s).
11 The department also serves as an advocate for the needs of children.

12 (b) To accomplish the purposes and duties, as set forth in this chapter, the director is
13 authorized and empowered:

14 (1) To establish those administrative and operational divisions of the department that the
15 director determines is in the best interests of fulfilling the purposes and duties of this chapter;

16 (2) To assign different tasks to staff members that the director determines best suit the
17 purposes of this chapter;

18 (3) To establish plans and facilities for emergency treatment, relocation, and physical

1 custody of abused or neglected children that may include, but are not limited to,
2 homemaker/educator child-case aides, specialized foster-family programs, daycare facilities, crisis
3 teams, emergency parents, group homes for teenage parents, family centers within existing
4 community agencies, and counseling services;

5 (4) To establish, monitor, and evaluate protective services for children including, but not
6 limited to, purchase of services from private agencies and establishment of a policy and procedure
7 manual to standardize protective services;

8 (5) To plan and initiate primary- and secondary-treatment programs for abused and
9 neglected children;

10 (6) To evaluate the ~~services of the department and to conduct periodic,~~ department's child
11 welfare, juvenile justice, and children's behavioral health services by conducting a comprehensive-
12 needs assessment; every two (2) years with the initial assessment to be completed no later than
13 March 31, 2024. These assessments shall be completed by an in-state academic institution or in-
14 state consulting firm or, if one is not available, by an independent third party. The assessments
15 shall:

16 (i) Determine whether the department's programs and services meet the needs of children
17 and families in the care of the department;

18 (ii) Assess client accessibility; and

19 (iii) Collect data to develop goals and measurable objectives for new and existing programs
20 and services.

21 (A) There is hereby established a committee that shall advise the entity conducting the
22 comprehensive needs assessments. The members of the committee shall consist of the DCYF
23 director, or designee; no more than eight (8) and no less than three (3) members of the DCYF staff,
24 appointed by the director; the child advocate, or designee; a representative from Rhode Island Kids
25 Count; two (2) designees from community provider agencies contracted with DCYF, appointed by
26 the RI Coalition for Children and Families; a state senator, or designee, appointed by the senate
27 president; a state representative, or designee, appointed by the speaker of the house; two (2)
28 individuals with experience in the Rhode Island child welfare system, one of whom was a youth or
29 parent (foster, adoptive or birth) formerly involved in the state child welfare system, appointed by
30 the director; and one designee of the family court, appointed by the chief judge of the family court
31 or designee. The committee may appoint two (2) additional members by a majority vote of all
32 members. The committee shall elect a chair from the membership. Committee members shall serve
33 three (3) year terms and may serve more than one term. The department shall furnish space for the
34 committee. All committee meetings are subject to chapter 46 of title 42("open meetings").

1 (B) The committee shall meet once a month throughout the time a comprehensive needs
2 assessment is being conducted, and as needed, to provide advice and guidance to the party or parties
3 conducting the assessment.

4 (C) Upon completion of the comprehensive needs assessments, the department shall post
5 the report on its website and submit the report to the governor, the senate president, the speaker of
6 the house and the child advocate;

7 (7) To license, approve, monitor, and evaluate all residential and non-residential group
8 homes, foster homes, and programs;

9 (8) To recruit and coordinate community resources, public and private;

10 (9) To promulgate rules and regulations concerning the confidentiality, disclosure, and
11 expungement of case records pertaining to matters under the jurisdiction of the department;

12 (10) To establish a minimum mandatory level of twenty (20) hours of training per year and
13 provide ongoing staff development for all staff; provided, however, all social workers hired after
14 June 15, 1991, within the department shall have a minimum of a bachelor's degree in social work
15 or a closely related field, and must be appointed from a valid, civil-service list;

16 (11) To establish procedures for reporting suspected child abuse and neglect pursuant to
17 chapter 11 of title 40;

18 (12) To promulgate all rules and regulations necessary for the execution of departmental
19 powers pursuant to the administrative procedures act, chapter 35 of this title;

20 (13) To provide and act as a clearinghouse for information, data, and other materials
21 relative to children;

22 (14) To initiate and carry out studies and analysis that will aid in solving local, regional,
23 and statewide problems concerning children;

24 (15) To represent and act on behalf of the state in connection with federal-grant programs
25 applicable to programs for children in the functional areas described in this chapter;

26 (16) To seek, accept, and otherwise take advantage of all federal aid available to the
27 department, and to assist other agencies of the state, local agencies, and community groups in taking
28 advantage of all federal grants and subventions available for children;

29 (17) To review and coordinate those activities of agencies of the state, and of any political
30 subdivision of the state, that affect the full and fair utilization of community resources for programs
31 for children, and initiate programs that will help ensure utilization;

32 (18) To administer the pilot, juvenile-restitution program, including the overseeing and
33 coordinating of all local, community-based restitution programs, and the establishment of
34 procedures for the processing of payments to children performing community service;

1 (19) To adopt rules and regulations that:

2 (i) For the twelve-month (12) period beginning on October 1, 1983, and for each
3 subsequent twelve-month (12) period, establish specific goals as to the maximum number of
4 children who will remain in foster care for a period in excess of two (2) years; and

5 (ii) Are reasonably necessary to implement the child-welfare services and foster-care
6 programs;

7 (20) May establish and conduct seminars for the purpose of educating children regarding
8 sexual abuse;

9 (21) To establish fee schedules by regulations for the processing of requests from adoption
10 placement agencies for adoption studies, adoption study updates, and supervision related to
11 interstate and international adoptions. The fee shall equal the actual cost of the service(s) rendered,
12 but in no event shall the fee exceed two thousand dollars (\$2,000);

13 (22) To be responsible for the education of all children who are placed, assigned, or
14 otherwise accommodated for residence by the department in a state-operated or -supported
15 community residence licensed by a Rhode Island state agency. In fulfilling this responsibility, the
16 department is authorized to enroll and pay for the education of students in the public schools or,
17 when necessary and appropriate, to itself provide education in accordance with the regulations of
18 the council on elementary and secondary education either directly or through contract;

19 (23) To develop multidisciplinary service plans, in conjunction with the department of
20 health, at hospitals prior to the discharge of any drug-exposed babies. The plan requires the
21 development of a plan using all healthcare professionals;

22 (24) To be responsible for the delivery of appropriate mental health services to seriously
23 emotionally disturbed children and children with functional developmental disabilities.
24 Appropriate mental health services may include hospitalization, placement in a residential
25 treatment facility, or treatment in a community-based setting. The department is charged with the
26 responsibility for developing the public policy and programs related to the needs of seriously
27 emotionally disturbed children and children with functional developmental disabilities;

28 In fulfilling its responsibilities the department shall:

29 (i) Plan a diversified and comprehensive network of programs and services to meet the
30 needs of seriously emotionally disturbed children and children with functional developmental
31 disabilities;

32 (ii) Provide the overall management and supervision of the state program for seriously
33 emotionally disturbed children and children with functional developmental disabilities;

34 (iii) Promote the development of programs for preventing and controlling emotional or

1 behavioral disorders in children;

2 (iv) Coordinate the efforts of several state departments and agencies to meet the needs of
3 seriously emotionally disturbed children and children with functional developmental disabilities
4 and to work with private agencies serving those children;

5 (v) Promote the development of new resources for program implementation in providing
6 services to seriously emotionally disturbed children and children with functional developmental
7 disabilities.

8 (A) Is attributable to a mental or physical impairment or combination of mental physical
9 impairments;

10 (B) Is manifested before the person attains age eighteen (18);

11 (C) Is likely to continue indefinitely;

12 (D) Results in age-appropriate, substantial, functional limitations in three (3) or more of
13 the following areas of major life activity:

14 (I) Self-care;

15 (II) Receptive and expressive language;

16 (III) Learning;

17 (IV) Mobility;

18 (V) Self direction;

19 (VI) Capacity for independent living; and

20 (VII) Economic self-sufficiency; and

21 (E) Reflects the person's need for a combination and sequence of special, interdisciplinary,
22 or generic care, treatment, or other services that are of life-long or extended duration and are
23 individually planned and coordinated.

24 The department shall adopt rules and regulations that are reasonably necessary to
25 implement a program of mental health services for seriously emotionally disturbed children.

26 Each community, as defined in chapter 7 of title 16, shall contribute to the department, at
27 least in accordance with rules and regulations to be adopted by the department, at least its average
28 per-pupil cost for special education for the year in which placement commences, as its share of the
29 cost of educational services furnished to a seriously emotionally disturbed child pursuant to this
30 section in a residential treatment program that includes the delivery of educational services.

31 "Seriously emotionally disturbed child" means any person under the age of eighteen (18)
32 years, or any person under the age of twenty-one (21) years, who began to receive services from
33 the department prior to attaining eighteen (18) years of age and has continuously received those
34 services thereafter; who has been diagnosed as having an emotional, behavioral, or mental disorder

1 under the current edition of the Diagnostic and Statistical Manual and that disability has been
2 ongoing for one year or more or has the potential of being ongoing for one year or more; and the
3 child is in need of multi-agency intervention; and the child is in an out-of-home placement or is at
4 risk of placement because of the disability.

5 A child with a “functional developmental disability” means any person under the age of
6 eighteen (18) years or any person under the age of twenty-one (21) years who began to receive
7 services from the department prior to attaining eighteen (18) years of age and has continuously
8 received those services thereafter.

9 The term “functional developmental disability” includes autism spectrum disorders and
10 means a severe, chronic disability of a person that:

11 Funding for these clients shall include funds that are transferred to the department of human
12 services as part of the managed healthcare program transfer. However, the expenditures relating to
13 these clients shall not be part of the department of human services’ caseload estimated for the semi-
14 annual, caseload-estimating conference. The expenditures shall be accounted for separately;

15 (25) To provide access to services to any person under the age of eighteen (18) years, or
16 any person under the age of twenty-one (21) years who began to receive child welfare services
17 from the department prior to attaining eighteen (18) years of age, has continuously received those
18 services thereafter, and elects to continue to receive such services after attaining the age of eighteen
19 (18) years. The general assembly has included funding in the FY 2008 DCYF budget in the amount
20 of \$10.5 million from all sources of funds and \$6.0 million from general revenues to provide a
21 managed system to care for children serviced between 18 to 21 years of age. The department shall
22 manage this caseload to this level of funding;

23 (26) To initiate transition planning in cooperation with the department of behavioral
24 healthcare, developmental disabilities and hospitals and local school departments for any child who
25 receives services through DCYF; is seriously emotionally disturbed or developmentally delayed
26 pursuant to subsection (b)(24)(v); and whose care may or shall be administered by the department
27 of behavioral healthcare, developmental disabilities and hospitals after the age of twenty-one (21)
28 years; the transition planning shall commence at least twelve (12) months prior to the person’s
29 twenty-first birthday and shall result in a collaborative plan submitted to the family court by both
30 the department of behavioral healthcare, developmental disabilities and hospitals and the
31 department of children, youth and families and shall require the approval of the court prior to the
32 dismissal of the abuse, neglect, dependency, or miscellaneous petition before the child’s twenty-
33 first birthday;

34 (27) To develop and maintain, in collaboration with other state and private agencies, a

1 comprehensive continuum of care in this state for children in the care and custody of the department
2 or at risk of being in state care. This continuum of care should be family centered and community
3 based with the focus of maintaining children safely within their families or, when a child cannot
4 live at home, within as close proximity to home as possible based on the needs of the child and
5 resource availability. The continuum should include community-based prevention, family support,
6 and crisis-intervention services, as well as a full array of foster care and residential services,
7 including residential services designed to meet the needs of children who are seriously emotionally
8 disturbed, children who have a functional developmental disability, and youth who have juvenile
9 justice issues. The director shall make reasonable efforts to provide a comprehensive continuum of
10 care for children in the care and custody of DCYF, taking into account the availability of public
11 and private resources and financial appropriations and the director shall submit an annual report to
12 the general assembly as to the status of his or her efforts in accordance with the provisions of § 42-
13 72-4(b)(13);

14 (28) To administer funds under the John H. Chafee Foster Care Independence and
15 Educational and Training Voucher (ETV) Programs of Title IV-E of the Social Security Act [42
16 U.S.C. § 677] and the DCYF higher education opportunity grant program as outlined in chapter
17 72.8 of title 42, in accordance with rules and regulations as promulgated by the director of the
18 department; and

19 (29) To process nationwide criminal record checks on prospective foster parents and any
20 household member age 18 or older, prospective adoptive parents and any household member age
21 18 and older, operators of childcare facilities, persons seeking to act as volunteer court-appointed
22 special advocates, persons seeking employment in a childcare facility or at the training school for
23 youth or on behalf of any person seeking employment at DCYF, who are required to submit to
24 nationwide criminal background checks as a matter of law.

25 (c) In order to assist in the discharge of his or her duties, the director may request from any
26 agency of the state information pertinent to the affairs and problems of children.

27 (d) [Deleted by P.L. 2008, ch. 9, art. 16, § 2.]

28 (e) [Deleted by P.L. 2008, ch. 9, art. 16, § 2.]

29 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES

1 This act would require the department of children, youth and families (DCYF) to conduct
2 periodic comprehensive needs assessments to determine whether the department's programs and
3 services meet the needs of children and families in the care of the department, assess client
4 accessibility and collect data to develop goals and measurable objectives for new and existing
5 programs and services. The act would also create a committee that shall advise the entity conducting
6 the comprehensive needs assessments.

7 This act would take effect upon passage.

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